

1 Rule 7-304. Probation supervision.

2 Intent:

3 To establish the duties, responsibilities and authority of the probation officer during  
4 supervision of minors placed on probation.

5 Applicability:

6 This rule shall apply to the Juvenile Court.

7 Statement of the Rule:

8 (1) Definition. Probation means the legal status created by court order following an  
9 adjudication on the ground of a violation of law where a minor is permitted to remain ~~in~~  
10 ~~his-at~~ home or in a foster home under prescribed conditions and under the supervision  
11 of the probation department, or other agencies or individuals designated by the court.

12 (2) Assignment of probation officer. When the court has placed a minor on probation,  
13 a probation officer shall be assigned to supervise the minor.

14 (3) Probation guidelines.

15 (3)(A) Probation should be limited to minors who are identified as medium to high  
16 risk to the community because of the frequency or severity of the offenses for which  
17 they have been adjudicated.

18 (3)(B) Probation should begin with an intensive orientation by a probation officer and  
19 assignment to a probation level based on the results of a risk assessment. Probation  
20 should not extend longer than six months, except when special circumstances are  
21 present.

22 (3)(C) Probation status should not be continued solely for the reason of monitoring  
23 payment of fines and restitution for a ~~child-minor~~ who otherwise has complied with the  
24 conditions of probation.

25 (3)(D) Probation should not be used for a youths referred only for status offenses or  
26 minor infractions. Other dispositional alternatives should be considered for this type of  
27 case such as a fine, compensatory service, delayed disposition or continuing  
28 jurisdiction, without requiring the intervention and supervision of the probation  
29 department.

30 (3)(E) A court created status of continuing jurisdiction should be considered for less  
31 serious offenders that does not require probation department supervision but does

require the youth to demonstrate a period of legally acceptable behavior before termination.

(3)(F) Probation is generally reserved for a higher risk youths. Detention should be available as a short term option during probation, when determined appropriate, within the provisions of the law.

(3)(G) Probation should not be continued on an inactive basis if no future contacts are determined necessary by the probation department. A continuing jurisdiction status may be created to phase out probation.

(3)(H) Interim probation progress reviews may be conducted by a probation supervisor. Termination of probation and modifications of the conditions of probation must be approved by the court.

(3)(I) If further criminal acts require commitment of the youth to the Division of Youth Corrections Juvenile Justice Services, probation should be terminated and subsequent responsibility for supervision assigned to Youth Corrections the Division.

(3)(J) When the court places a youth on probation, it should be a formal proceeding where the specific conditions are reviewed by the court, the future probation review date set, and the severity of this sanction emphasized.

(4) Supervision and correctional plan. When a youth is placed on probation, the assigned probation officer, when ordered by the court, shall file a supervision and correctional plan with the court within 30 days of the entry of the probation order. The plan shall be based on the Protective Risk Assessment (PRA). The plan shall be updated at least every 90 days as the PRA is updated or more frequently as the plan's intended outcomes and goals are completed or the minor's needs change. The plan shall include the following:

(4)(A) A summary of the frequency and nature of contacts with the family. the specific risk and protective factors;

(4)(B) A statement concerning the family's cooperation. the services needed to address the risk and protective factors;

(4)(C) A review of conditions reported in the social study. the Balanced and Restorative Justice Model for each domain used in the plan;

(4)(D) ~~Any recommendation for modification of the probation order.~~ a statement of the intended outcomes and goals;

(4)(E) ~~A statement of the goals and objectives to correct the youth's antisocial behavior. These goals and objectives should identify frequency and type of contacts, family members and probation staff involved, related agencies and their role in the correctional plan and the planned use of students and/or volunteers~~ the role of each signing party in meeting the intended outcomes and goals; and

(4)(F) if the plan is an updated plan, a statement that specifies progress toward the intended outcomes and goals.

(5) Supervision. Supervision activities by the probation officer may include but are not limited to:

(5)(A) Recommending to the court the appropriate restrictive conditions of probation to minimize the risk to the community in allowing the youth to remain in his home or alternative living arrangement.

(5)(B) Monitoring a youth's compliance with the court ordered conditions of probation. This may include periodic progress reports which focus on compliance with the conditions of probation established at the time the youth was placed on probation and the number and type of contacts made by the probation officers or other agency.

(5)(C) Reporting violations of court ordered probation conditions and making appropriate recommendations to the court.

(5)(D) Identifying and developing available community resources to meet special needs of the youth and/or the family identified in the supervision and correctional plan, including work placement, tutoring and social services.

(5)(E) Developing community work sites for the involvement of a youths and encouraging constructive use of time.

(5)(F) Counseling for short periods of time, but not to the extent that it supplants services which can be provided by other community resources.

(6) Review. The probation department shall submit a written report to the court prior to each review hearing updating the supervision and correctional plan as necessary and reporting on the probationer's progress.

92       (7) Court reporting. If a youth is suspected of violating the terms and conditions of  
93 probation, the probation department shall immediately report the alleged violation to the  
94 court and may make appropriate recommendations based upon the alleged violation.